

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

#2001097

UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

Division



PATRICK Gregory Spainhour

Case No.

2:23-cv-00338

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

• Jefferson Volunteer Fire Dept.
• Chief Robbie Nutter
• Firefighter Chad Smann

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

PATRICK-G. SPAINHOUR

Street Address

514 22ND ST

City and County

Dunbar, KANAWHA

State and Zip Code

WV 25064

Telephone Number

304 543-8917

E-mail Address

P952402@GMAIL.COM

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name Telferson Volunteer Fire Dept.
 Job or Title (if known) ORGANIZATION
 Street Address 6313 Mac Conkle Ave SW
 City and County SAINT ALBANS KAWAUNOA
 State and Zip Code WV 25177
 Telephone Number 304 768-0711
 E-mail Address (if known) _____

Defendant No. 2

Name Robbie Nutter
 Job or Title (if known) Chief, Asst Chief then
 Street Address 6313 Mac Conkle Ave SW
 City and County SAINT ALBANS KAWAUNOA
 State and Zip Code WV, 25177
 Telephone Number 304 415-2535 / 304 768-0711
 E-mail Address (if known) _____

Defendant No. 3

Name Chad Smarr
 Job or Title (if known) Fire Fighter
 Street Address 6313 Mac Conkle Ave SW
 City and County SAINT ALBANS KAWAUNOA
 State and Zip Code WV, 25177
 Telephone Number 304 965-4550 / 304 768-0711
 E-mail Address (if known) _____

Defendant No. 4

Name _____
 Job or Title (if known) _____
 Street Address _____
 City and County _____
 State and Zip Code _____
 Telephone Number _____
 E-mail Address (if known) _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

X • DEFAMATION • FIRST Amendment Freedom of Speech, Bill of Rights
 • SLANDER • AGE DISCRIMINATION / HARASSMENT, AGE DISCRIMINATION
 APRIL 12 - AUGUST 16, 2021 • IN EMPLOYMENT ACT (ADEA) • TITLE VII of the Civil Rights Act of 1964
 PAGES 1, 2, 14, 17, 18-23.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (name) _____, is a citizen of the State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, (name) _____, is a citizen of the State of (name) _____. Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Robbie Muttter calls me PMW-PMW, described certain tasks as "fairly complicated" despite my 45 years + as a firefighter. He also belittled me in front of other firefighters by stating loudly that he couldn't hear me. This was because I was the only one wearing the required mask (MERS). Terminated me because I disobeyed his/her wishes by contacting outside entities for guidance. CHAD SMITH was discovered by me telling TJ KIDD and ALEXANDRA KID at the fire station, that I was

IV. Relief

Accident. PROMISE I TOLD HIM TO STOP. APRIL 12 - AUG 16 2021

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Reinstatement without loss of seniority, Honoring the medical examiner's CERTIFICATE (for commercial driver Medical Certificate) training continues to allow me to operate any drive motorized apparatus, allowed to run RAPID RESPONDER calls as needed with my personal unit, CONSIDERED POTENTIAL REMOVAL AS A FIRE OFFICER OF Robbie Muttter.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

4-16-23

Signature of Plaintiff _____

Printed Name of Plaintiff _____

Patrick G. Spawhour

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____

I respectfully request the refunding of monies spent for the repair of the air and electrical recharging ports on unit 194. Refund the monies used by me for the purchase of a radio and accessories to use when responding to calls along with the purchase and programing of a pager used to alert me of calls and its pager case. Refund of monies for the repair of a water extinguisher and the purchase of a metal adapter for their 1" forestry hose so it could match the threads on their fire apparatus and the purchase of a graduated bucket and funnel to use when refilling their water extinguishers. And a monetary award is welcome, based on what I experienced in the long run

Thank you, Mr. Spainhour, RN, NRP, EMT-P, CPhT, HM1 USNR-R

Robert G. Spainhour 514 22ND ST DUNDHAM, WV 25064 4/18/22